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REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has rejected claims 1-16 and 18-19 under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Nos. 5,113,793 to *Leader* in view of U.S. Patent No. 5,335,618 to *Zarola* and U.S. Patent No. 2,538,778 to *Halpin*.

This rejection is respectfully traversed.

Claim 1 has been amended to state that the tray is disposed directly on the bottom section. This amendment was prompted by Examiner Valenti in a telephone interview conducted on March 15, 2005 relating to the above identified rejection. The Examiner suggested that this amendment may be sufficient to overcome the above recited rejection. The contents of that interview are hereby incorporated and summarized below.

The Examiner stated that an additional search would be warranted. In addition, the applicant's attorney William Collard

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and Examiner Valenti discussed the numerous design differences between the present invention and *Leader et al.* For example, the present invention as claimed in claim 1 includes the following three additional features:

- 1) an enclosure frame comprising "a plurality of semicircular hoop portions and a plurality of cross bars"
- 2) a flexible netting; and
- 3) a handle.

It is respectfully submitted that *Leader* does not suggest any use of these items nor does it suggest any combination with the disclosures of *Zarola* and *Halpin* to arrive at the above identified invention. For an Examiner to make an obvious type rejection, there must be some suggestion or motivation to combine the references; See MPEP 2143. See Also In Re Fine, 837 F.2d 1596, 1598-99 (Fed Cir. 1988).

The above features make the design much more attractive than in *Leader* which uses a wire cage which is substantially rectangular in shape. In addition, there is no handle disposed on the cage.

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Furthermore, while the device in *Leader et al* discloses a pet stroller, the devices in *Zarola* and *Halpin* are not pet strollers at all but simply animal enclosures. Neither *Zarola* nor *Halpin* suggest using these disclosed enclosures with a pet stroller such as disclosed in *Leader*.

It is respectfully submitted that claim 1 is patentable over the above cited references taken either singly or in combination. In addition, it is respectfully submitted that because claims 2-19 depend from claim 1, these claims are also allowable.

New claim 20 is also being presented. New claim 20 includes a few significant features. First there is "at least one handle which extends lengthwise along the enclosure". This feature is disclosed in FIG. 1. In addition, there is recited:

a fabric cover covering one half of the length of said enclosure said fabric cover being mounted over at least two of the frame components

This feature is disclosed on pages 5 and 8 of the specification. Both of these features are not disclosed in *Leader*, *Zarola*, or *Halpin*. Therefore, it is respectfully

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submitted that new claim 20 is patentable over the above cited references taken either singly or in combination. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.


Applicant respectfully request that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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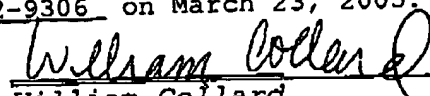
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Enclosure(s): Extension of Time

CERTIFICATE OF FACSIMILE TRANSMISSION

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I hereby certify that this correspondence is being sent by
facsimile transmission to the U.S.P.T.O. to Patent Examiner A. M.
Valenti at Group No.3643, to 1-703-872-9306 on March 23, 2005.


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